

LAKE COUNTY PLANNING BOARD
June 8, 2016
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Steve Rosso, Steve Shapero, Sigurd Jensen, Rick Cothorn, Bob Stone, Jerry Parson

STAFF PRESENT: Jacob Feistner, Lita Fonda, Wally Congdon

Steve Rosso called the meeting to order at 7:03pm.

Meeting minutes deferred.

MILLINER LAKESHORE (7:03 pm)

Jacob Feistner presented the staff report. (See attachments to minutes in the June 2016 meeting file for staff report.) Neither applicant nor agent was present. Jacob noted the closest dock that would be most in danger would be the applicant's own dock. The next closest dock was 104 feet away. Even if he moved it away from his own dock a little bit, he still had plenty of room between the buoy and the neighbor's dock so there wouldn't be potential issues there.

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(Note: no public were present to comment.)

Motion made by Rick Cothorn, and seconded by Sigurd Jensen, to support the conclusions of the staff report and to support that this be authorized with the noted changes in findings. Motion carried, all in favor.

OTHER BUSINESS (7:25 pm)

Steve R touched on the correspondence from Commissioner Gale Decker. He thought they needed to keep it in mind. Since it was from a single commissioner rather than the commission, he didn't think they needed to act upon it at this time. He hoped they would get something from the Commission as a whole on which to act. This Board worked for the Commission so he thought they needed to have the same priorities set as the Commission wanted. He clarified that DMR indicated the Density Map and Regulations.

Wally commented on the DMR, the Growth Policy and the 2000 census information. He touched on the MACO attorney's comment about amending it and correcting it. He described concerns and actually field-checked some of his observations. [The DMR] was a really good response to wanting development at that time. It just wasn't very well thought out. Steve R and Wally compared notes on various maps and information they'd compared to the DMR, including that from the Department of Revenue. Wally thought there was a purpose behind the 1 per 40 to set buffers back along rivers. He reported that Dave DeGrandpre said they didn't really have a reason for 1 per 40 but just came up with that number. Wally referred to different ratios that appeared in subdivision regulations over time.

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[Jerry] asked for an estimate of how far the Cadastral program might be out of date. Wally didn't know. He mentioned the planners found improvements and buildings that had been in aerial photographs for 12 years that had never been taxed. Chuck might have an idea. Steve R, Bob and Joel mentioned the time lags they'd noticed at various times. Jacob noted they were talking about change of ownership updates rather than change of boundary lines. It was fairly simple to download the ownership layer from the state to the most up-to-date one and overlay it with the density map. It would show parcel size and density. Steve R hoped the GIS Dept. could do that. It would be a tool they needed when they worked on the DMR, when the Commissioners put it on their list and provided staff.

Meeting adjourned by Steve Rosso and general acclaim at 7:57 pm.

LAKE COUNTY PLANNING BOARD
June 8, 2016
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Steve Rosso, Steve Shapero, Sigurd Jensen, Rick Cothorn, Bob Stone, Jerry Parson

STAFF PRESENT: Jacob Feistner, Lita Fonda, Wally Congdon

Steve Rosso called the meeting to order at 7:03pm.

Meeting minutes deferred.

MILLINER LAKESHORE (7:03 pm)

Jacob Feistner presented the staff report. (See attachments to minutes in the June 2016 meeting file for staff report.) Neither applicant nor agent was present. Jacob noted the closest dock that would be most in danger would be the applicant's own dock. The next closest dock was 104 feet away. Even if he moved it away from his own dock a little bit, he still had plenty of room between the buoy and the neighbor's dock so there wouldn't be potential issues there.

Steve R hoped to hear from Eric Milliner, the applicant but he was in Minnesota. Jacob clarified that he'd been speaking directly with Eric Milliner. Rick asked if there was an indication that the neighbors were aware of this. Jacob said hadn't talked with them. Eric had suggested calling the neighbors if there were concerns in his letter, which implied that Eric spoke with them. Rick asked if the boat size had been indicated. Jacob replied it had not. Steve R checked about the water depth at this location. Jacob estimated a 12-foot depth. The depth at the end of the 60-foot dock was about 8 feet. This was another 10 feet further out.

Steve R described the problem that came up. The location of the anchor wasn't the location of the buoy or the boat. The length of chain, painter and boat came into play. It could drift out 100 feet or so away from shore. This wasn't necessarily objectionable but it was something he thought they should note in the findings. They should acknowledge that the 70-foot location from shore wasn't necessarily the location of the obstacle that needed to be considered as far as navigation and safety went. Jacob thought this was right on as far as the location of the boat. The regulations didn't address the location of the boat so he hadn't addressed that. Steve R said they'd addressed where the anchor was. The buoy would drift away from the spot although it might only be a 10-foot circle. Before someone brought this up to the Board, they should show in the record that they thought about this reality. He thought this should be noted when the regulations were updated.

Jacob understood that the buoy would have some movement. It did state that the plans submitted with the application proposed the placement of the buoy 70 feet from high water. It didn't mention the anchor. Steve asked if he'd assumed the buoy would be 70 feet out. You couldn't locate a buoy in a single spot. Jerry mentioned the varied surface level. Steve R added the wind.

The chain between the anchor and the buoy would not be exactly the depth of the water or you might float the anchor.

Jacob said they could identify where the anchor was and the radius that the boat could travel. They could address where the buoy was going to be. Steve R suggested making a statement in the findings similar to what they made last time. In both paragraphs A and B on pg. 5, they could say that they recognize the fact that a drift circle was associated with the buoy and the boat around the anchor location and that the drift circle should be kept small enough that it didn't cause a problem with navigation or safety. Steve R asked if that should be a condition and Jacob thought it probably should. The finding would be that if that was done, it wouldn't interfere.

Steve worded this for A: If the drift circle of the buoy and boat are kept at a reasonable amount, it won't create a significant safety hazard. The wording for B was similar: If the drift circle of the buoy and boat are kept at a reasonable amount, it won't interfere with navigation or recreation. Steve S asked what was reasonable. Others thought it was a little too vague. Steve R thought the anchor line should be a maximum of twice the depth at full pool for this buoy. Jacob relayed a recommendation that he came across that the chain should be the length of the boat. The rope tied to the chain should be 5 times the amount of the depth. That would give 77% for holding strength. Steve R said in that case, the boat would bang against the shore. Jacob added and/or his own dock.

Steve R described that an anchor carried on a boat was designed to dig into the bottom of the lake and that was where you got your anchorage. You needed a mostly horizontal pull on the anchor line to get it to dig in and stay dug in so a long length of anchor line was needed. When you had a buoy, you would use a different kind of anchoring system, where the anchor was way too big for you to pull up onto your boat. If the anchor was sufficient, you didn't need that same amount of anchor line. You could have a shorter distance between the anchor and the buoy. Another option would be the screw that they discussed last time, where you used the ground itself as your anchor by screwing in to the bottom of the lake. This applicant wanted to use a concrete block, which was fine. It was just going to be a big concrete block. You could use an anchor line between the chain, between the anchor and the buoy, that didn't give you the 77%. Then you could have a fairly short distance between the buoy and the boat.

Jerry said you'd still have to anchor if there was much of a boat to keep from hitting his dock. Steve R thought if he had an anchor line between the buoy and the boat so the buoy would move around a 10-foot radius around the anchor, then he'd have 40 feet from that buoy to his dock. If he had a 10-foot line between the bow of the boat and the buoy, and if the boat was less than 30 feet long, he'd be set. He thought the Board just needed to recognize that putting the anchor in one spot didn't mean the buoy or the boat would be in that spot.

Returning to the findings of fact, Steve R thought they needed to add: *The boat and buoy will move in a drift circle around the anchor location and if that circle was too large, it could create a significant safety hazard.* That would be for A on pg. 5. For B, they could add a similar sentence: *The boat and buoy will move in a drift circle around the anchor location and if that circle was too large, it could interfere with navigation and recreation.*

Jerry asked if there were specifications for the size and coloration of the buoy. Steve R affirmed and Jacob pointed to #4. Jerry asked how many buoys were placed around the lake. Jacob didn't have a number. He explained that with both the Tribe and Flathead County, it was easier to get a permit so people put them in all the time. Steve R mentioned people who didn't bother getting a permit. He also knew of people who wanted to put them out for obstacles to keep jet skiers away from their dock.

Steve R checked that there were conditions here but no findings. Jacob replied that the Board's recommendations would help create the conditions. Those would be similar to the conditions done for the buoy that the Board saw last month. Steve R checked that Jacob would have a chance to talk with Eric Milliner so he would be aware of the problem the Board discussed and Eric could make some suggestions, such as a distance he could live with. Jacob said he would talk to him and let him know how the meeting went and what the Board's concern was and find out how he wanted to address this.

(Note: no public were present to comment.)

Motion made by Rick Cothorn, and seconded by Sigurd Jensen, to support the conclusions of the staff report and to support that this be authorized with the noted changes in findings. Motion carried, all in favor.

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